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9 Attorney for Defendant

10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 United States of America,

14 Plaintiff,

15 v.

16 Charles St. George Kirkland,

17 Defendant.

No. CR23-005JHC

MOTION TO EXCLUDE AT
SENTENCING ANY MATTERS
BEFORE THE ARIZONA
DEPARTMENT OF REAL ESTATE
DEFENDANT NOT IN CUSTODY

18
19 On June 8, 2023, at approximately 1:06 p.m., government counsel Seth
20 Wilkinson's office sent undersigned counsel a link to download 2.28 GB of
21 compressed files relating to an action currently before the Arizona Department of Real
22 Estate, which Mr. Wilkinson states he will introduce to the Court at sentencing as to
23 the Mr. Kirkland's history and characteristics. Prior to an email from Mr. Wilkinson
24 on June 8, 2023, at 9:30 a.m., undersigned counsel was unaware that Mr. Wilkinson
25 had information about an action before the Arizona Department of Real Estate that he
26 wished to introduce at the sentencing hearing. Mr. Wilkinson informed undersigned
27 counsel that approximately one week prior to May 22, 2023, he was informed of the
28

1 Arizona Department of Real Estate matter, and that on May 22, 2023, he made a
2 request for all records relating to the Arizona Department of Real Estate matter.

3 It is unknown if Mr. Wilkinson has informed the Probation Officer of the action
4 before the Arizona Department of Real Estate. There is no reference in the revised
5 Presentence Investigation Report (“PSR”), dated May 30, 2023, as to the matter before
6 the Arizona Department of Real Estate.

7 On June 3, 2023, Mr. Wilkinson sent an email to the Court and undersigned
8 counsel that there was a family emergency and that he needed a continuance of the
9 June 12, 2023, sentencing. The Court denied the Motion.

10 On June 7, 2023, Mr. Wilkinson thanked counsel and Court for a continuance of
11 filing his sentencing memorandum until June 9, 2023.

12 Mr. Wilkinson had many opportunities to inform undersign counsel of the
13 Arizona Department of Real Estate documents and his intent to bring them in for the
14 sentencing, namely, approximately one week before May 22, 2023 up through and
15 including before 9:30 a.m. on June 8, 2023, when Mr. Wilkinson finally informed
16 counsel.

17 The company referenced in the Arizona Department of Real Estate matter states
18 that Mr. Kirkland, and his now ex-wife Carolina Kirkland and Deborah Katzman, were
19 the managers of the subject company and that Mr. Kirkland owned the company.
20 There is nothing in documents Mr. Wilkinson has proffered to provide to this Court
21 that state any action(s) or inaction(s) by Mr. Kirkland. The documents Mr. Wilkinson
22 wishes to reference are findings that were issued before a hearing was held on the
23 matter, which is still pending before the Arizona Department of Real Estate.

24 Mr. Wilkinson is attempting to sandbag not only undersigned counsel, the
25 Probation Officer, but this Court, in submitting documents to somehow besmirch Mr.
26 Kirkland, in an ongoing matter before the Arizona Department of Real Estate.

27 Wherefore, this Court should not allow the eleventh-hour untimely disclosure of
28 irrelevant and half-baked information to be provided to this Court and should exclude
all references to any matter before the Arizona Department of Real Estate.

1 Mr. Wilkinson was asked whether he objected to the Motion and he stated that
2 he did not believe there was a basis to exclude the information about the Arizona
3 Department of Real Estate ongoing matter.

4 Undersigned counsel requests an hearing on this matter immediately before the
5 Sentencing Hearing on June 12, 2023 at 8:30 a.m.

6 RESPECTFULLY SUBMITTED this 9th day of June, 2023.

7 SILVER LAW PLC

8 By: s:/ Jason M. Silver

9 Attorney for Defendant

10 **COPY** of the foregoing transmitted
11 by ECF for filing this 9th day of June, 2023,
12 to:

13 Clerk's Office
14 United States District Court
15 700 Stewart Street
16 Suite 2310
17 Seattle, Washington 98101

18 United States Attorney
19 Seth Wilkinson, Esq.
20 Assistant United States Attorney
21 700 Stewart Street
22 Suite 5220
23 Seattle, Washington 98101

24 Attorney for Plaintiff
25 Blake Gjefle
26 United States Probation Officer
27 Tacoma, Washington

28 /s/ Lindsay A. Chapman

Lindsay A. Chapman, Legal Assistant